

FINAL SUPPORTING
STATEMENT FOR
10 CFR PART 63
DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN A
GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN,
NEVADA (3150-0199)

EXTENSION

Description of Information Collection

Part 63 of Title 10 of the Code of Federal Regulations (10 CFR) requires the State of Nevada, affected units of local government, or affected Indian Tribes or their representatives to submit information describing the purpose and services needed associated with a (1) request for consultation with the NRC staff regarding the status of site characterization and related NRC activities regarding the potential repository site (§63.62) or (2) facilitation of its participation in a license review for the potential repository (§63.63). The information submitted is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of the NRC staff resources to the consultation and participation efforts. Part 63 does not require the State, local governments, and affected Indian Tribes to submit any request. This is strictly voluntary on their part, and only if they desire to do so would the information in question be required of them.

Additionally, any person representing the State, local government, or affected Indian Tribe in submitting a request must also submit a statement of the basis of their authority to act in such representative capacity (§63.65). Such a statement is necessary to assure NRC that representatives for the State, local governments, and affected Indian Tribes have the authority to represent the State, local governments, or Indian Tribes in dealings with the NRC.

A. Justification

1. Need for the Collection of Information

The Nuclear Waste Policy Act of 1982 (NWP) and 10 CFR Part 63 contain detailed provisions for the participation of the State, affected units of local government, and affected Indian Tribes in the process of site characterization and licensing activities of a high-level radioactive waste geologic repository. The NRC must follow many formal procedures and detailed schedules in meeting its responsibilities under the NWP and 10 CFR Part 63 (See 10 CFR Part 2). 10 CFR Part 63 does not require the State, local governments, and affected Indian Tribes to submit any proposals. This is strictly voluntary on their part, and only if they desire to do so would the information in question be required of them. The Director of the Office of Nuclear Materials Safety and Safeguards must have complete information on State, local government, and Indian Tribal plans for participation in order to accommodate State, local government, and Tribal desires for participation while at the same time following mandated procedures

and schedules. In addition, where State, local government, and affected Tribal proposals for participation involve requests for funding the justification for such requests must be documented in order to assure appropriate uses of NRC funds.

Section 63.62 states that the Director shall make NRC staff available to consult with representatives of the State, affected units of local government, and affected Indian Tribes regarding the status of site characterization and related NRC regulatory activities. Section 63.62 also states that requests for consultation shall be made in writing to the Director. The State, local governments, and affected Tribes would be required to submit information about what services they need, and for what purpose the services are needed, only if they wish to obtain NRC consultation services.

Making NRC staff available for consultation with representatives of the State, local governments, and affected Indian Tribes represents potentially a major commitment of NRC resources. The Director must have a firm basis for approving this commitment of resources. A written request for consultation is the minimum requirement which could provide a firm basis for the commitment of NRC resources.

Section 63.63(b) states that the State, local government, or affected Indian Tribe may submit to the Director a proposal to facilitate its participation in the review of the license application.

The proposal shall contain a description and schedule of how the State, local government, or affected Indian Tribe wishes to participate in the review, or what services or activities the State, affected unit of local government, or affected Indian Tribe wishes NRC to carry out, and how the services or activities proposed to be carried out by NRC would contribute to such participation.

Section 63.65 states that any person who acts under this subpart (Subpart C) as a representative for the State (or for the Governor or legislature thereof), local government, or for an affected Indian Tribe shall include in their request or other submission, or at the request of the Commission, a statement of the basis of their authority to act in such representative capacity.

Such a statement is necessary to assure NRC that representatives for the State, local governments, and affected Indian Tribes have the authority to represent the State, local governments, or Indian Tribes in dealings with the NRC.

2. Agency Use and Practical Utility of Information

The information requested will be reported to the Director of the Office of Nuclear Material Safety and Safeguards, who has programmatic responsibility for NRC's high-level radioactive waste program. It will be used to provide opportunities for the State, local government, and affected Indian Tribes to participate in the site characterization and licensing activities of the high-level radioactive waste geologic repository. It will also help the Director determine, for example, whether activities proposed by the State, local government, or affected Indian Tribe would enhance communications, would contribute to the license review in a timely and productive manner and would be authorized by law.

3. Reduction of Burden Through Information Technology

The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), or by e-mail. It is estimated that approximately 50% of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

While some of the local and tribal governments that may respond to this information collection may be considered small entities, it is not possible to reduce the burden on these entities and still fulfil the requirements of the rule. The NRC staff's established program to provide information exchange with States, affected units of local government, and affected Indian Tribes could provide them with assistance in preparation of the requested information.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequent Collection

If the collection is not conducted, the Director will not have information that will enable them to provide opportunities for the State, local government, and affected Indian Tribes to participate in the site characterization and licensing activities of a high-level radioactive waste geologic repository. The information collection requirements only apply to a single submittal per respondent.

7. Circumstances Which Justify Variation From OMB Guidelines

There are no variations from OMB guidelines.

8. Consultations Outside NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on October 3, 2023 (88 FR 68159). NRC also contacted representatives of the Timbisha Shosone Tribe; The State of Nevada's Nuclear Waste Project Office; and Clark County Nevada. NRC did not receive any comments.

9. Payments or Gifts to Respondents

Not applicable.

10. Confidentiality of the Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR §2.390(b) and 10 CFR §9.17(a). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

None.

12. Estimated Burden and Burden Hour Costs

Section	Number of Respondents	Frequency of Response	Annual Responses	Hours per Response	Annual Burden	Public Cost (\$300/Hr)
63.62 (Requests for consultation with NRC staff)	12	once only	12	40	480	\$144,000
63.63 (Requests for NRC facilitation of participation in a license review)	12	once only	12	80	960	\$288,000
63.65 (Basis of authority to represent the State, local governments, or, affected Indian Tribes)	12	once only	12	1	12	\$3,600
Totals			36		1,452	\$435,600

The \$300 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2023 (88 FR 39120, June 15, 2023).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

Section 63.62 involves NRC staff review of requests for consultation regarding the status of site characterization and certain regulatory activities. This should require no more than 40 hours of staff time per response. At \$300 per hour for staff time, this would be \$12,000 per respondent. The total for 12 responses is \$144,000.

Section 63.63 involves NRC staff review of proposals for participation in license reviews. This should require no more than 80 hours of staff time per response. At \$300 per hour, this would be \$24,000 per respondent. The total for 12 responses is \$288,000.

Section 63.65 involves NRC staff review of the statement of representation. This should require no more than one hour of staff time per response. At \$300 per hour, this would be \$300 per response. The total for 12 responses would be \$3,600.

Total cost to the government is \$435,600 (1,452 hours x \$300). Costs are not anticipated to be recurrent and thus cannot reasonably be annualized. These costs are fully recovered by NRC through appropriations from the Nuclear Waste Fund which was established by the Department of Energy pursuant to the Nuclear Waste Policy Act of 1982.

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

15. Reasons for Change in Burden or Cost

There are no changes in the burden. The cost per hour increased slightly from \$290 to \$300 causing an increase in the cost. Additionally, the staff changed the total number of responses in the Table under Item 12 from 12 to 32. The increase from 12 to 36 total responses also did not result in any change to the burden. The previous value of 12 responses was based on the 12 respondents grouping the three requested responses into a single submittal containing all three responses rather than separate submittals for each of the three requests by the 12 respondents for a total of 36 responses. The burden for each requested response is unchanged whether it submitted separately or combined, thus, the overall burden is not changed by the revision to 36 total respondents. The total of 36 respondents is done to provide improved clarity for what is being requested – 12 respondents to 3 specific requests would result in 36 specific responses.

16. Publication for Statistical Use

N/A

17. Reason for Not Displaying Expiration Date

The recordkeeping and reporting requirements for this information collection are associated with regulations and are not submitted on instruments such as forms or surveys. For this reason, there are no data instruments on which to display an OMB expiration date. Further, amending the regulatory text of the CFR to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

None

B. Collection of Information Employing Statistical Methods

Statistical methods are not used in this collection of information.